Minneapolis Charter Commission Minutes

September 5, 2012 - 4:00 p.m. Room 317 City Hall, Minneapolis, Minnesota

Commissioners Present: Clegg (Chair), Cohen, Connell, Dolan, Ferrara, Gerdes, Kozak, Metge,

Peltola, Rubenstein, Schwarzkopf

Commissioners Excused: Johnson, Sandberg

Commissioner Absent: Lickness

Also Present: Burt Osborne, Assistant City Attorney

1. Roll Call

Chair Clegg called the meeting to order at 4:02 p.m. Roll call was taken.

2. Adopt Agenda

Connell moved adoption of the agenda, as amended to include Item 4.5 "Declaration of Vacancy in the Office of Vice Chair of the Charter Commission". Seconded. Adopted upon a voice vote.

Absent - Ferrara, Johnson, Lickness, Metge, Sandberg.

3. Approve minutes of regular meeting of August 1, 2012

Dolan moved approval of the minutes of the meeting of August 1, 2012. Seconded. Adopted upon a voice vote.

Absent - Ferrara, Johnson, Lickness, Metge, Sandberg.

4. Chair's Report

Clegg reported that the Chief Judge had been notified of the vacancy on the Charter Commission and had requested that the City's Open Appointments process be used to solicit applications. He encouraged Commissioners to spread the word about the vacancy.

Not on Printed Agenda

4.5. Declaration of Vacancy in the Office of Vice Chair of the Charter Commission.

Notice of Election of Charter Commission Vice Chair at the next regular meeting of the Charter Commission

Schwarzkopf moved to declare the office of Vice Chair of the Charter Commission vacant and that the Commission hold an election for the position of Vice Chair at the October 3rd meeting. Seconded.

Adopted upon a voice vote.

Absent - Johnson, Lickness, Sandberg.

Discussion

5. Plain Language Charter Revision:

Clegg stated that it was his intention to meet with the City Attorney's Office, counsel for the Park Board, and former Commissioner Brian Melendez to finalize discussion on the one remaining open issue so that the Charter Commission could vote to adopt the final version of the Plain Language Charter Revision (PLCR) by the November meeting.

Schwarzkopf had provided Commissioners with the National Civic League Model Charter and explained that while it reflected a city manager form of government, it did include some information on a mayor-council form of government.

Schwarzkopf also circulated and summarized suggested amendments to the Plain Language Charter Revision describing the responsibilities of charter department heads as well as adding a clause defining conflict of interest as it relates to Planning Commissioners. His intent was to incorporate the proposed amendments into the final version of the Plain Language Charter Revision. He did not believe they were substantive amendments since the current Charter goes into even more detail in describing the responsibilities of department heads

Metge commended Commissioner Schwarzkopf for his work on the amendments and noted that the conflict of interest amendment seemed to state that if any Planning Commissioners had a conflict of interest, business could not go forward. Schwarzkopf stated that when he was City Coordinator, the relationship between developers and Planning staff was too cozy. When staff works with a developer for some time they become almost the developer's representative which is not healthy in government.

Rubenstein noted that Planning Commissioners may have an interest that is not financial which would be difficult to define. Also, the amendment stated that the Planning Commission would not consider any matters where a Commissioner had a conflict of interest. She inquired how those matters would then be addressed. Schwarzkopf stated that Planning Commissioners would have to understand that when they accepted the position.

Cohen stated that he currently served on the Planning Commission as an appointee of Hennepin County. There were also representatives of the School Board and a representative of the Park Board. While they have an interest in their appointing bodies, it is not a financial interest. Occasionally matters will come before the Commission that involve overriding the County, School Board, or Park Board. He was in favor of the amendment noting that at the last Planning Commission meeting there had been recusals on 6 of the 13 items on the agenda because members of the Commission were working on those projects.

Kozak stated that the amendment related to members of the Commission and did not address Schwarzkopf's concerns about the relationship between Commission staff and the developers. He was also concerned about the fact that the amendment prohibited a project from going forward if one member had an interest in a project before the Commission.

Ferrara stated that he was in favor of the proposed amendments except the amendment relating to the Planning Commission. He pointed out that all Charter Commissioners had taken a conflict of interest examination prior to becoming members, and he felt the City effectively dealt with conflict of interest. The conflict of interest provision should not be in the Charter.

Clegg stated that including descriptions of all department heads in the Charter Revision had been discussed but it was decided rather to state that the City shall have such departments as the City Council shall determine which shall be assigned duties by the City Council. The proposal would create the need for a Charter amendment every time changes were made to the duties of a department head. Placing conflict of interest language in the Charter may limit what can be done pursuant to the City's ethical practices and conflict of interest ordinance

because right now the ordinance goes farther than the proposed amendment. Also, the term "indirect financial interest" should not be included unless it could be defined.

Cohen stated that he was in favor of the proposed conflict of interest amendment, noting that the City Attorney's Office had given permission for Planning Commissioners to appear as applicants on behalf of clients. Filling out a form and having Commissioners recuse themselves would not take care of the problem. There may be a way to overcome the vagueness of the term "indirect".

Schwarzkopf stated that he was open to ideas to improve the wording of the conflict of interest amendment.

Clegg suggested Commissioners further review the proposed amendments prior to the next meeting. He would also forward the amendments to Brian Melendez and invite him to the next meeting, as well.

Gerdes called Commissioners' attention to the report of the volunteer student observer on the redistricting process. He noted that excellent recommendations had been proposed and encouraged all Commissioners to read the report. (Report linked to August 1, 2012 agenda.)

Public Commentary

There was no one present wishing to address the Charter Commission.

Rubenstein moved to adjourn. Seconded. Adopted upon a voice vote. Absent - Johnson, Lickness, Sandberg.

The meeting was adjourned at 4:38 p.m.

Submitted by: Peggy Menshek, Charter Commission Coordinator